



Department of Planning and Zoning



Answers to Top 25 Questions About Planning, Zoning and Subdivision

INTRODUCTION

This brochure presents brief answers to the most frequently asked questions about planning, zoning and subdivision in Howard County. Explanations are for general information and do not supersede County regulations or policies. For details, see the Zoning, Subdivision and Land Development Regulations, or other regulations, manuals and brochures available for review or purchase at the Department of Planning and Zoning's Public Service Desk.

PLANNING INFORMATION

1. What is the Department of Planning and Zoning (DPZ)?

DPZ's mission is to prepare and implement comprehensive plans and programs to guide County growth and development. Employees provide assistance and information to property owners, businesses, community groups and citizens about development activity, policies, regulations and procedures that direct and manage growth. DPZ develops long range policies for land use, transportation, zoning and environmental planning; prepares the comprehensive plan for growth and development; maintains demographic data and census records; administers and updates Zoning Regulations, Subdivision Regulations and other development regulations; and, promotes preservation of agricultural, historic and environmental resources.

2. What is the General Plan?

This comprehensive long range planning document, approved by the County Council after public hearings, establishes policies and goals to guide growth, land use and conservation. It recommends policies and actions for: transportation; public facilities; education; water and sewer; recreation, parkland and open space; housing; human services; historic preservation; environmental protection and economic development.

3. What are the Subdivision Review Committee, Planning Board, Hearing Examiner, Board of Appeals, and Zoning Board?

- # The **Subdivision Review Committee**, composed of County and State agencies, meets to review subdivision and site development plans and gives written comments recommendations about the proposals to DPZ.
- # The **Planning Board** has five residents, nominated by the County Executive and confirmed by the Council, who serve five year terms on a volunteer basis. They make recommendations on petitions for rezoning, the County's Capital Budget, and amendments to the General Plan. They render final decisions on selected subdivision and site development plans.
- # The **Howard County Hearing Examiner** hears and decides variances, conditional uses, nonconforming uses, and appeals of departmental administrative decisions.
- # Five residents appointed by the Council serve five-year terms on the **Board of Appeals**. They hear appeals to decisions by the Hearing Examiner, and will hear and decide cases when the Hearing Examiner's position is vacant or the Examiner has a conflict.
- # The five members of the County Council comprise the **Zoning Board**. They make decisions on requests for individual zoning map amendments, and preliminary development plans.

4. How can residents express their views about development proposals?

You can comment on certain proposals at Planning Board public meetings or hearings, if Planning Board approval is required by the Zoning Regulations. You can write to the Chief of DPZ's Division of Land Development about any active subdivision or site development plan. You may examine active files at the Public Service Desk, Monday - Friday, 8:00 a.m. - 5:00 p.m.

5. Where are new developments or proposed roads located?

The Public Service Desk has information to review or purchase including a Subdivision Activity Map with a corresponding report, a Site Development Plan Activity Map and a Transportation Map 2000-2020. These are also available on-line at DPZ section of the County web site www.co.ho.md.us. You may examine all active subdivision and site development plan files at the Public Service Desk. Information on proposed roads are shown on the General Plan Transportation Map.

6. What statistical or mapped information is available?

DPZ has the latest data on land use, subdivisions in process, building permits, new construction, dwelling units, employment trends, population growth and other census information. Each year, DPZ publishes a Development Monitoring System Report that tracks and analyzes subdivision and development activity. The County also produces and sells a number of GIS (Geographic Information Systems) maps, such as, Generalized Land Use, Zoning, Subdivisions in Process, Farmland Preservation, Scenic Roads, Communication Towers, and Cemeteries and Historic Sites.

7. What is Open Space?

Open Space is a lot or area of land set aside for protection of the natural environment, recreation or public uses including schools, libraries, fire or police stations, and parks. Either the Department of Recreation and Parks or a community's homeowner's association (HOA) owns and manages open space created by the subdivision process. The Columbia Association owns and manages Columbia's open space. For ownership information, check the subdivision plat.

ZONING

8. How is a property zoned?

If you can identify the street address, or tax map and parcel number, a Public Service Desk employee can locate the property on the zoning map and provide its zoning designation. Staff can also show you how to locate the requirements for that zoning district in the Zoning Regulations. The Zoning Regulations include permitted uses, maximum structure height, minimum setbacks, density, parking and other requirements.

9. What is a buildable lot?

A buildable lot is a piece of land described on a subdivision plat or in a deed recorded in the Howard County Land Records Office in accordance with the laws applicable at the time it was recorded. The buildable status of a residential lot or parcel of land is also contingent upon compliance with:

- # Zoning Regulations including building setback restrictions;
- # The Building Code and approval of a building permit; and
- # Connection to public water and sewer or approval from the Howard County Health Department for private well and septic systems.

DPZ approval of a site development plan is required before obtaining a building permit if a lot or parcel is in a nonresidential zoning district, or a residential lot, recorded on or after February 7, 1976, excluding lots in the RC and RR districts.

10. What is a Variance?

A variance is a modification to the requirements of the Zoning Regulations for the size or location of a structure or use. Maximum height of structures, setbacks from public streets or property lines, and minimum lot sizes and widths may be considered for variances. Applications are available from the Public Service Desk and the DPZ web site.

11. What is a Conditional Use?

A Conditional Use is permitted in a specific zoning district if approved by the County Hearing Examiner based on compliance with standards in the Zoning Regulations. These uses are not permitted as a matter of right and require consideration at a public hearing to determine compliance with the Zoning Regulations and specify what

conditional uses may be approved in each zoning district. Applications are available from the DPZ Public Service Desk and web site.

12. What is a Home Occupation?

A home occupation is the accessory use of a residential property for business purposes that are clearly incidental and secondary to the residential use. Home occupations that comply with the requirements of Section 128.C.1 of the Zoning Regulations are permitted uses in all residential zoning districts. Potential home occupations include art or handcraft studios, mail order or telephone sales, typing and computer services, repair services, business or professional offices. The Public Service Desk has information on the requirements for home occupations and qualifications.

13. What is the Mixed Use District?

The Mixed Use zoning district (MXD) requires development of a combination of land uses within a single, comprehensive, planned development. It allows design flexibility and efficient use of large parcels at key locations by combining various residential types, employment, commercial uses and open space. The MXD District is intended to produce a well-designed community compatible with surrounding neighborhoods and protective of the environment.

Public hearings are required at Preliminary Development Plan and Comprehensive Sketch Plan stages of the plan review process to ensure adequate public comment and participation.

14. What is Cluster Development?

Cluster development regulations permit subdivision or development of a parcel of land by grouping lots and saving the remaining site as open space or preservation areas. Conventional development allows lots and houses spread over the entire site; clustering concentrates development on a portion of the site. Cluster development allows greater flexibility and encourages preservation of natural resources by concentrating development on the most appropriate area, away from sensitive environmental features.

Clustering is permitted in all residential zoning districts, as well as the NT, PGCC, MXD, and PSC zoning districts. Zoning Regulations specify lot sizes, density and other bulk requirements.

15. What is the Density or Cluster Exchange Option (DEO/CEO)?

The Density Exchange Option overlay zoning district enables landowners in the Rural Conservation (RC) and Rural Residential (RR) zones to preserve significant areas of farmland. The overlay district allows residential density to be transferred between parcels if a number of requirements are met. The property proposed for residential development (receiving parcel) may be developed at a maximum density of 1 dwelling unit per 2 net acres. Density may be transferred from a sending parcel at a maximum rate of 1 unit per 3 gross acres (DEO) or 1 unit per 4.25 gross acres (CEO).

16. What is the Agricultural Land Preservation Program?

Howard County's primary tool for preserving farmland for future generations uses three innovative methods to protect the land base needed for farming:

- **Purchase of development rights with installment purchase agreements.**
This is a voluntary program in which a farmer whose land meets size and soils criteria, may offer to sell an easement to the County, while holding fee simple title to the land and continuing to farm. The perpetual easement, which restricts development, continues with the land and binds all future owners.
- **Dedication of sending parcels through the Density Exchange Option (DEO).**
In the Rural Conservation (RC) and Rural Residential (RR) zoning districts, an opportunity and incentive is provided to preserve significant areas of farmland by transferring permitted density to appropriate receiving subdivisions. The sending parcels are left with only one development right (1 house) and are otherwise covered with a perpetual, restrictive agricultural or environmental easement.
- **Dedication of preservation parcels through cluster development.** The clustering of lots in order to preserve the major portion of the parcel unbuilt, is an option anywhere in the RR zone and is mandatory in the RC zone on parcels over 20 acres. These preservation parcels often buffer residential lots from farm operations and may be large enough to be farmed.

SUBDIVISION

17. What is the process for subdividing land?

Any division of land must be done in accordance with the Subdivision and Land Development Regulations, which DPZ administers. The Zoning Regulations establish the minimum lot sizes and other bulk regulations for the zoning district in which the property is located.

Before submitting a subdivision plan, the property owner and/or developer must hire a Maryland registered land surveyor or engineer. The consultant surveys the property and prepares the proposed subdivision plans and any other required plans or reports in accordance with County regulations and policies. Information, applications, checklists and brochures are available at the Public Service Desk.

18. What is a Minor or Major Subdivision?

- A **minor subdivision** is the division of a residential or agricultural parcel of land into 4 or fewer lots for the immediate or future transfer of property ownership; it does not involve construction of a public road. A final subdivision plat is the only requirement for processing.
- A **major subdivision** is the division of a residential parcel of land into 5 or more lots or the division of a nonresidential parcel for the immediate or future transfer of ownership, sale, lease or building development; it generally involves construction of public streets. The County Code allows major subdivisions to use

the standard three step process (sketch, preliminary, and final plans) or a two step review process (preliminary equivalent sketch plan and final plan).

19. What is a Final Plat?

A final plat is a surveyed drawing for the division of property prepared by a Maryland Registered surveyor. It is the official record of a division of land showing lots, streets, property lines and other information. A final plat must be approved by the DPZ and recorded in the Land Records Office.

20. What is a Use-In-Common Driveway?

A use-in-common driveway is a privately owned and maintained nonpublic road that provides vehicular access from a public road to two or more lots or parcels. Properties utilizing a use-in-common driveway may be subject to a Declaration of Maintenance Obligation Agreement recorded in the Land Records Office.

21. What is a Site Development Plan?

A site development plan (SDP) is a detailed engineered drawing of a residential or nonresidential development project showing site conditions and proposed improvements with sufficient detail for County review and approval and subsequent construction. The SDP indicates the location and construction specifications for buildings, structures, paved areas, grading, drainage, utilities, sidewalks, easements, floodplain, wetlands, forest conservation areas, landscaping, stormwater management and any other site improvements. The Public Service Desk has applications and checklists.

22. What are Adequate Public Facilities?

Howard County adopted the Adequate Public Facilities Act in 1992, to ensure that public roads and schools would be adequate to accommodate new development. This growth management tool promotes orderly growth by synchronizing new development with the availability of public facilities in order to achieve the goals and growth targets established by the General Plan. The regulations require that new developments or subdivisions pass several tests of adequacy as a condition of approval unless exempt by law: a housing unit allocations test; elementary school, elementary region, and middle school tests; and a roads test.

23. Does Howard County Have Any Environmental Protection Laws?

Environmental protection regulations are in the Subdivision and Land Development Regulations and are applied during subdivision and site development plan review. The goal is to protect and preserve the ecologically important features by promoting environmentally sensitive design for all development.

Forest conservation regulations protect forests and may require planting of new trees in new developments. Prohibitions exist for clearing, grading and construction within designated 100-year floodplains. A 25-foot wetlands buffer and a 50, 75 or 100-foot stream buffer are required for new subdivision and development projects. Additionally, regulations exist for protection of steep slopes, stormwater management, sediment and erosion control, and private well and sewage disposal systems.

24. What is a Wetland or Floodplain?

- # **Non-tidal wetlands** are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for saturated soil conditions. The limits of wetlands and required 25-foot buffers are shown on subdivision plats and site development plans with notations concerning their use restrictions.
- # **Floodplain** is an area that is inundated by stormwater runoff equivalent to what would occur from a rainfall of 100 year frequency, assuming total development of the watershed. The floodplain limits are delineated on subdivision plats and site development plans as a protected, non-buildable easement area.

25. How are changes in use or minor revisions to a developed nonresidential property approved?

DPZ requests that inquiries be in writing, using a site information checklist and attaching a copy of a site plan drawing showing all existing and proposed site improvements including structures, off-street parking spaces, loading areas, public road access points, landscaping, environmental features and any other relevant site information necessary to explain your proposal. Forms are available at the DPZ Public Service Desk and staff can provide assistance.

Please submit the completed form and drawing to the DPZ Public Service Desk or mail them to the Chief, Division of Land Development. The Division Chief will present your proposal, as submitted, to the Subdivision Review Committee (SRC) at its next weekly meeting as a special subject for discussion. The SRC will then determine the appropriate process for you to follow to receive the necessary County approvals and will write you a letter to inform you of their decision.

For more information contact

The Howard County Department
of Planning and Zoning,
410-313-2350, TTY
410-313-2323, or
www.co.ho.md.us
or visit Planning and Zoning's
Public Service Desk on the
first floor of the George Howard
Building, 3430 Court House Drive,
Ellicott City, MD 21043.

Office hours are: Monday
through Friday, 8:00 a.m. to
5:00 p.m.

Written inquiries may also be
sent to our office at the above
address.